

RESPONSE UNDER 37 C.F.R. § 1.11
U. S. Application No. 10/762,510

REMARKS

Claims 1-7 are all the claims pending in the application.

Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Applicant's admitted prior art (APA).

Claim 1 recites a current switch selectively enabling the at least one current cell in response to a digital signal externally supplied, the current switch having at least one MOS transistor having an adjusted aspect ratio so as to have a constant capacitance load regardless of the output current amounts from the at least one current cell. Applicant submits that the APA fails to teach or suggest this limitation of the claim. In particular, the APA does not suggest at least one MOS transistor having an adjusted aspect ratio so as to have a constant capacitance load. The APA is silent with respect to a MOS transistor having an adjusted aspect ratio. Also, the APA fails to disclose a constant capacitance load, which the Examiner admits.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention that the APA would perform the same function as the claimed invention, since upon switching the current source, current would be distributed to the circuit with a different amount and switching the current source would allow the turn on and off due to a constant capacitance load that would increase the performance of the system. In other words, the Examiner appears to be asserting that if a constant capacitance load were used in the APA, then the APA would perform the same way as the Applicant's claimed invention. However, the Examiner has provided no reason why one of ordinary skill in the art would have provided a constant capacitance load in the APA apparatus. The Examiner asserts that such a modification would have increased the performance of the system, but it is only the Applicant's disclosure,

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not the APA, which provides any suggestion or motivation to modify the APA in this manner.

As described in the specification at pages 6-7, the related art suffers from the problem of the MOS transistors having different capacitances. Since individual PMOS transistors have different response times when the PMOS transistors have different capacitances, there is a time skew in the current switching. See paragraph [21]. It is the Applicant's invention, which provides a solution to this problem in the related art. However, the Applicant's disclosure cannot be used against him. Thus, Applicant submits that there is no teaching or suggestion to modify the APA.

Furthermore, as mentioned above, the APA is silent with respect to the at least one MOS transistor having an adjusted aspect ratio.

Therefore, claim 1 is allowable over the prior art.

Also, claims 2-7 are allowable, at least because of their dependence from claim 1.

With further regard to claim 2, Applicant submits that the APA fails to teach or suggest the limitations of the claim. The Examiner points to paragraph [21] as allegedly disclosing the features of this claim, but Applicant disagrees. Claim 2 recites wherein, in the at least one MOS transistor, a length L from a source to a drain of the MOS transistor times a width W formed in a vertical direction of the length L is constant regardless of the current capacities of the at least one current cell. By contrast, paragraph [21] discloses increasing the width W while keeping the length L constant. Thus, the length L times an increasing width W will result in an increasing value in the APA, not a constant. Hence, claim 2 is allowable over the APA for this additional reason.

Regarding claim 7, Applicant submits that the APA fails to teach or suggest the limitations of this claim. The Examiner points to FIGS. 1-4, but the APA is silent with regard to

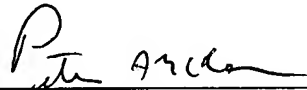
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the current cell having a same output current amount according to a thermometer type. Thus, claim 7 is allowable for this additional reason.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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